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# DID THE LOUISIANA PURCHASE EXTEND TO THE PACIFIC OCEAN?

AND

# OUR TITLE TO OREGON.

BY

JOHN J. ANDERSON, PH. D.

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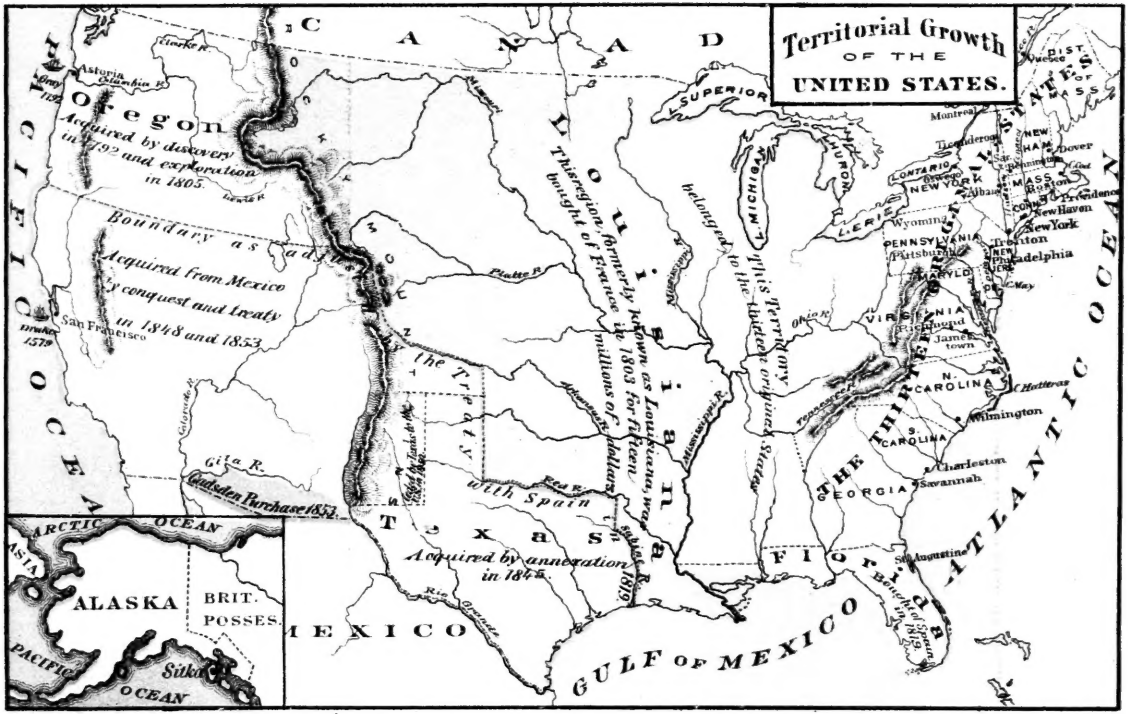
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# DID THE LOUISIANA PURCHASE EXTEND TO THE PACIFIC OCEAN?

BY JOHN J. ANDERSON, PH. D.

THE Ninth Census Report of the United States, being for the year 1870, contains a map which represents the Province of Louisiana, commonly known as the Louisiana Purchase, acquired from France in 1803, as stretching from the Mississippi river to the Pacific ocean. Up to the appearance of that report it was generally understood and believed that the territory in question extended no farther west than the Rocky Mountains. Every author of note, so far as is within the writer's knowledge, who has expressed any opinion on the subject, has so declared; but since the advent of the report, several compilers of school histories, adopting the verdict of the map and thus without making any investigations for themselves, have asserted in their books that the Purchase extended to the Pacific. One compiler, while adhering to his former statement, that "What is now the State of Louisiana was but a little part of the vast territory which then bore that name, for this territory extended from the Mississippi to the Rocky Mountains," has inserted in his book an exact copy of the census map referred to, without correcting any of its errors, one of which includes Texas as a part of the cession made to the United States in 1848. Need he be told that Texas was annexed to the United States in 1845, and was immediately after represented in our Congress at Washington? There are other important errors in that map, notably one in respect to the original territorial limits of Kentucky.* It is thus seen that while some instructors are teaching that the western limits of the Louisiana Purchase did not extend beyond the Rocky Mountains, others hold that they did not stop short of the Pacific coast. Whom are we to believe? As both sides cannot be correct, and the subject is one of acknowledged importance, we will make a brief investigation into the facts.

In the year 1682, the French explorer La Salle descended the Mississippi river to its mouth, taking formal possession of the country in the name of his king, Louis XIV. The Spaniards, under De Soto, had previously discovered the Mississippi and wandered over a large part of its valley, but neither De Soto's party nor any of his countrymen ever followed up the advantage thus gained by making a settlement within the territory, and consequently, according to the law of nations, Spain failed to reap the fruits of De Soto's success. The French were more active. In this great valley of the Mississippi they planted settlements and established missionary stations and military posts,

* The writer addressed a note to General F. A. Walker, Superintendent of the Census, asking him for the information that induced him in his report to include the Oregon region in the Louisiana Purchase. The general, in his reply, says: "My reason for embracing Oregon in the territory covered by the Louisiana Purchase, for the purposes of the map printed in connection with the reports of the Ninth Census, or, rather, for allowing the map which Col. Stocking had prepared, to go into the work without correction in this particular, was, that the United States government, as I recall the negotiations, had made claim to Oregon by virtue of the Louisiana Purchase." In another communication, addressed to a prominent western educator, respecting the western limits assigned in the map to the Louisiana Purchase, the general goes further, saying: "*I am free to confess that my individual views do not coincide therewith.*"

and thus became the rightful owners of the entire region. If Spain at that time could lay any claim whatever to the region, that claim was surrendered to France in due time, as we shall see. Already we come to the important question upon which hinges the solution of the whole matter. What was the extent of the territory not merely occupied but claimed by the French? Parkman, in his "Discovery of the Great West," a work evincing extensive and patient research, says (p. 284): "The Louisiana of to-day is but a single State of the American Republic. The Louisiana of La Salle stretched from the Alleghanies to the Rocky Mountains, from the Rio Grande and the Gulf to the farthest springs of the Missouri." Greenhow, in his "History of Oregon and California" (p. 283), makes a like declaration, and so do all the other writers who have given special investigation to the subject.

The French remained in possession of Louisiana till 1762. In November of that year, preliminaries of peace were agreed to at Paris, between France and Spain on the one side, and England and Portugal on the other, and, by the treaties directly afterward made, France ceded to Spain "all the country known under the name of Louisiana, as also New Orleans and the island on which that city is situated," and Great Britain, a little more than two months later, "received possession of Canada, Florida, and the portion of Louisiana east of the line drawn along the middle of the Iberville river to the sea." Spain thus came in quiet possession of all the region of Louisiana west of the Mississippi and the Iberville. (The Iberville is an eastern outlet of the Mississippi, about fourteen miles south of Baton Rouge.) The fact that arrests our attention at this stage of the investigation is that while the treaties made at Paris gave Louisiana a definite boundary on the east, nothing was said of a western boundary. Why was this omission? Greenhow (p. 279) offers a partial explanation in these words: "With regard to the western limits of Louisiana, no settlement of boundaries was necessary, as the territory thus acquired by Spain would join other territory of which she also claimed possession." The western part of Louisiana, it will be noted, joined *other* territory: it did not extend to the Pacific.

During the next thirty-eight years Spain was in possession of Louisiana. In the year 1800, an exchange of territories was effected, Spain, in order to enlarge the dominions of one of her royal princes, transferring to France the Province of Louisiana in exchange for certain lands in Italy. The language of the transfer is an important factor in this investigation. "His Catholic majesty," so says the transfer, "engages to retrocede to the French Republic, the Province of Louisiana, with the same extent which it now has in the hands of Spain, *and which it had when France possessed it*, and such as it should be, according to the treaties subsequently made between Spain and other states." Was language ever more explicit? This does not look like giving to Louisiana the Pacific ocean for its western boundary. "Certainly," as has been aptly remarked, "no treaties entered into by Spain could *enlarge* the extent of Louisiana. Certainly Spain never relinquished more than she received."

We now come to the acquisition of the Louisiana territory by the United States. This was accomplished, we all know, during Jefferson's administration. It is a matter of history that Jefferson had no thought of securing for the United States more territory than enough to give us the free navigation of the Mississippi river. In his letter of Feb. 1, 1803, to Mr. Dupont, he says: "The country which we wish to purchase is a barren sand, six hundred miles from east to west, and from thirty to forty and fifty miles from north to south."

Such being the case, Napoleon's proposition to sell the whole Province of Louisiana produced, as may well be supposed, a great surprise to the American negotiators in Paris, for they had only made efforts to procure a "cession of New Orleans and the Floridas." Transcending their authority, they accepted the offer, and the purchase was effected on the 30th of April, 1803. Now, the vital question just here is, What did we buy? How large was the purchase? The treaty, or, as we may call it, the bill of sale, itself, will best answer the question. After reciting the third article of the treaty of 1800, the territory thus retroceded to France was, says the bill of sale, "ceded to the United States, in the name of the French Republic, as fully and in the same manner as it had been acquired by the French Republic, in virtue of the above-mentioned treaty with his Catholic majesty." This, and nothing more. "No other description of boundaries," says Greenhow, "could ever be obtained from the French government." It was distinctly asserted by Marbois, the negotiator of the treaty on the part of Napoleon, that the French never owned any part of North America west of the Rocky Mountains. It is plain that "France could not sell to the United States in 1803 more than she recovered from Spain in 1800." In our negotiations with Spain, commenced at Madrid in 1804, for the adjustment of the lines which were to separate the territories of the two governments, Spain contended "that the Louisiana ceded to Spain by France in 1762, and retroceded to France in 1800, and transferred by the latter power to the United States in 1803, could not, in justice, be considered as comprising more than New Orleans, with the tract in its vicinity east of the Mississippi, and the country immediately bordering on the west bank of that river" (Greenhow, p. 280); and in 1818, up to the close of the long-pending negotiations, now conducted at Washington, Don Onis, the Spanish minister, firmly reiterated this declaration (Hildreth, vol. VI., p. 647). On the 12th of March, 1844, Mr. A. V. Brown, from the "Committee on the Territories," made a report in Congress, covering twenty-four closely-printed pages, in which this whole question is thoroughly discussed. In all this long report there is not the first attempt to prove that our right to Oregon came to us through the Louisiana Purchase. Witness the language of the report: "The Louisiana treaty cedes to the United States the Province of Louisiana, with the same extent it had in the hands of Spain in 1800, and that it had when previously possessed by France. This description is loose, but Napoleon chose to execute a quit-claim rather than a warranty of boundaries." But why did Napoleon so choose? Why did he not give us a deed of the territory to the Pacific? For the best of all reasons. He did not own, nor had he ever owned, that extent of territory. He sold us just what he had—nothing more. He wanted the money, for just at that moment he was going to war with England; and we, when the unexpected opportunity came, discovered that we wanted the land he could sell—every inch of it.

In support of the conclusion we have reached witness the following testimony:

"The western boundary of Louisiana is, rightfully, the Rio Bravo, from its mouth to its source, and thence along the highlands and mountains dividing the waters of the Mississippi from those of the Pacific. On the waters of the Pacific we can found no claim in right of Louisiana."—*Jefferson to John Melish, Map-publisher, of Philadelphia, Dec.* 31, 1816.

"We are forced to regard the boundaries indicated by nature—namely, the highlands separating the waters of the Mississippi from those flowing into the Pacific or the California Gulf—as the true western boundaries of the Louis-

iana ceded by France to Spain in 1762, and retroceded to France in 1800, and transferred to the United States by France in 1803."—*Robert Greenhow.*

"We find Louisiana supported on the west border, as if by a buttress, by the great chain of mountains that give source to the Missouri and Columbia rivers."—*William Darby.*

"The shores of the western ocean were certainly not included in the cession" of Louisiana to the United States.—*M. Marbois.*

The conclusion of the whole matter is that no part of the territory west of the Rocky Mountains came to us by reason of the Louisiana Purchase in 1803, in this conclusion all the best authorities—Spanish, French, and American—agreeing. It need not be added that the English took the same view of the subject.

## Our Title to Oregon.

If, then, the region west of the Rocky Mountains now covered by the State of Oregon and the territories of Washington and Idaho did not come to us as a part of the Louisiana Purchase, in what way did it come? Let us see.

It is certain that Spanish navigators were the first to reach the western coast of North America. Their explorations, begun by Cortez and under his direction, were continued by Cabrillo (in 1542), who examined the coast as far as the northern limits of San Francisco Bay. The death of Cabrillo occurring while he was engaged in this enterprise, his pilot, Ferrelo, prosecuted the undertaking, reaching the point as far, probably, as the forty-third degree of latitude (1543). Soon Spanish galleons crossed the Pacific from Mexico to the Philippine Islands and China, and returning, were compelled, by reason of the easterly or trade winds in the lower latitude, to take a northward course. In consequence, they often struck the North American coast far to the north of Mexico, in one case, it is asserted, beyond the fifty-seventh degree.

Up to 1575 no English vessel had been in the Pacific. In that year a party of English freebooters commanded by John Oxenham, crossed the Isthmus of Darien, built a small vessel, launched it on the Pacific, and for several months pursued a career of piracy, Spanish vessels, of course, being the victims. At length they were captured, and, with few exceptions, hung. Three years later their fate was avenged by the "splendid pirate," as Bancroft calls him, Francis Drake. Entering the Pacific by way of the Straits of Magellan, Drake plundered the Spanish settlements on the west coast of America, captured, pillaged, and destroyed Spanish vessels; and then, surmising that the people whom he had so cruelly treated were making preparations to intercept him on his return, resolved to make an attempt to reach England by sailing across the Pacific and around the northern part of Asia and Europe. After proceeding in a north-

[NOTE.—The third extract given above is from the second edition of Darby's *Geographical Description of Louisiana*, 360 pages, published in New York in 1817; a work commended in the highest terms by Wm. C. C. Clairborne, Andrew Jackson, Thomas Jefferson, and others, as appears by their letters published with the book. Mr. Greenhow's volume is an *official* work of 492 pages. It was prepared under the sanction of the government, and "was published by authority of the United States Senate." Is there any map or document of higher authority? It was Secretary Buchanan's reliance in his negotiations with Pakenham, the British envoy, and stands to-day the most complete and trustworthy exposition of the Oregon Question. The fourth extract is from the *History of Louisiana*, by Marbois, Napoleon's Minister of the Treasury, by whom the negotiations were conducted, in 1803, on the part of the French, for the sale of Louisiana to the United States. The book was published in 1829, and, as is readily seen, its statements are deserving of the highest credit.]

westerly direction for several weeks, and encountering cold and violent rains, he put back to the American coast. Abandoning the attempt northward, from San Francisco Bay or the Bay of Bodega—it is not certain which—he made his second and, as it proved successful departure. What extent of coast Drake saw is not known. He never made any report, either by journal or other writing; but it is certain that what he did see had been previously seen by the Spaniards.

For a period of nearly two hundred years, if we except a voyage made by Vizcaino in 1603, under instructions from King Philip II., of Spain, no attempts were made to explore any part of the north-western coast of North America. Vizcaino's explorations extended to the forty-third parallel of latitude; and till 1774 nothing was known with certainty of any part of the coast further north as far as Alaska. Then, by direction of the Spanish king, four exploring voyages were sent in quick succession from Mexico, and the coast as far north as the fifty-sixth degree of latitude was carefully examined (1774–1779). Up to this time and until 1790, Spain's claims to the western side of America as far north as Alaska had at no time been called into question. Important explorations, however, had been made on the extreme north-western part of the continent on behalf of the Russians. Behring's Straits had been entered by the daring navigator whose name it still bears, and between 1741 and 1770 the whole of the Alaska coast, down to its southernmost point, was explored.

We have noticed the voyage made by Francis Drake (1577–1580). No further explorations were made by the English in the North Pacific for a period of about two hundred years. Then the celebrated Captain Cook appeared upon the ocean. It was believed at that time that there existed a passage connecting Hudson's Bay with the Pacific. Cook's object was to find it. He entered the Pacific, doubling the Cape of Good Hope, and in January of 1778 discovered the Sandwich Islands. Steering eastward he reached the American coast, and traced it many hundred miles, but as the same had already been explored by the Spaniards or Russians, no credit, on the ground of first discovery, could be accorded to him. Other voyages were made to the coast by Russians as well as Englishmen, their object, in most cases, being for furs; but none of them were of any importance as respects our present investigations. We now come to the facts upon which the government of our country based its claim to the Oregon region. By this term—the Oregon region—we mean all the domain west of the Rocky Mountains, now included in the State of Oregon and the territories of Washington and Idaho.

In the latter part of 1787, the ship Columbia, commanded by John Kendrick, and the sloop Washington, commanded by Robert Gray, sailed from Boston. They were laden with an assortment of "Yankee notions," the vessels and cargoes being owned by a company of Boston merchants, whose object was to open a trade for furs along the north-west coast of North America, and to combine this with a trade to China. Both commanders were provided with letters in conformity with a resolution of Congress, and also with friendly letters from the Spanish minister in the United States. Soon after passing around Cape Horn, the two vessels were separated by a violent storm, but succeeded in joining each other again in Nootka Sound, on the west of Vancouver's Island, where they remained till the spring of 1789. During the summer of that year, while the Columbia remained at anchor in the sound, Captain Gray, in his little sloop of less than a hundred tons, made several excursions north and south along the coast, returning with the furs procured, and transferring them to the

Columbia. In these excursions he made important explorations and was the first navigator to pass between the mainland and many islands off the coast. Leaving Kendrick, by agreement, Gray, in the Columbia, proceeded to China, exchanged his furs for a cargo of teas, sailed around the Cape of Good Hope, and across the Atlantic to Boston, thus carrying the American flag for the first time around the world. Meanwhile, Kendrick, in the Washington, made further explorations, and preceded all Europeans in passing through the Straits of Juan de Fuca from one end to the other.

Again, in 1791, was Captain Gray, this time in command of the Columbia, busy exploring the inlets and passages of the north-west coast. In the summer of that year he met with what proved to be a most important success, in finding a great river. This river, in May of the following year, he entered, and for a distance of about twenty miles carefully explored, bestowing upon it the name of his vessel, which it bears at the present day. The English navigator, Vancouver, had previously declared, after having made, as he supposed, a minute examination of the coast, that there was no river in that part of North America The discovery of the Columbia and its exploration by Gray contribute the first element in the United States title to the Oregon region. We have the testimony of the British commander, Mackenzie, that from this time, or a period four or five years later, till 1814, the direct trade between the north-west coast of North America and China was almost entirely in the hands of the Americans. These men were called "Yankee adventurers" by the British, for, with "only a few trinkets of little value," they would set out on their voyages, would "pick up" seal-skins, furs, sandal-wood, sharks' fins, and pearls, and with these and a "handful of Spanish silver dollars," would purchase cargoes of tea, silks, and nankeens, getting home in two or three years.

We now come to the second element in the United States title to the Oregon region. In January, 1803, President Jefferson sent a message to Congress recommending that certain western explorations should be made. His object, as made known in the message, had reference to the extension of the trade enterprises of the people of the United States. Occupation and settlement were no doubt also contemplated. The recommendation having been approved, an expedition was planned and the command of it given to Captain Lewis and Lieutenant Clarke. These two men were instructed to explore the Missouri river to its sources, and then "to seek and trace to its termination in the Pacific some stream which might offer the most direct water communication across the continent." Before, however, they had advanced further than the Mississippi river, the news came that Napoleon had proposed to sell the Louisiana territory to the United States, and then that the sale and cession had been made. As the western expedition had been planned without reference to the acquisition of Louisiana, its departure was not delayed because of that acquisition. Lewis and Clarke ascended the Missouri, crossed to the head waters of the Columbia, and, descending that stream for a distance of six hundred miles, in November (1805) reached its mouth. This expedition, says Greenhow, "was an announcement to the world of the intention of the American government to occupy and settle the countries explored, to which certainly no other nation, except Spain, could advance so strong a claim on the ground of discovery or of contiguity."

The third element in the United States title to the Oregon region was furnished in 1811 by a company whose operations were directed by John Jacob Astor, of New York. Where the city of Astoria, in Oregon, now stands, the

company built sheds and a large factory. They also constructed and launched a small vessel, and laid out and planted a garden. We need not relate the particulars of the events of the next few years connected with the history of Astoria; how, during our second war with England, the place fell into the hands of the enemy, and how, after the war, because of a provision in the treaty of Ghent, it was restored to us. Our purpose is accomplished when we state, on evidence that was finally admitted by all parties, that the Astor settlement was the first in all the Oregon region. And this, as against Great Britain, completed and made perfect the United States title to the region on the principle laid down by Jefferson, in his letter to Mr. Melish, "that when a civilized nation takes possession of the mouth of a river in a new country, that possession is considered as including all its waters."

In the meantime, however, Great Britain began to lay claim to the Oregon territory on the ground of exploration and alleged prior settlement; but no negotiations were entered into with any power for the sovereignty of the region before the year 1818. In that year it was agreed between our government and Great Britain that all the territory west of the Rocky Mountains, claimed by the United States or Great Britain, "should be free and open to the vessels, citizens, and subjects of both for the space of ten years." It was at no time "asserted by the American government that the United States had a perfect right to that region; it was insisted, however, that their claim was at least good as against Great Britain."

We now come to the final element in the United States title to the Oregon region. We have shown what was Spain's claim to the country as far north as the fifty-sixth degree of latitude. That claim, certainly to the largest portion of the territory, was indisputable as respects discovery and exploration; but as Spain had failed to make any settlement, or any that proved permanent, there was "a flaw in the title," as the lawyers say. The claim, however, was certainly valid as against that of Great Britain, and was, as we have shown, superior to it. In 1819, a treaty, commonly called the Florida Treaty, was made between Spain and the United States, by which it was agreed that the southern boundary line of the United States, on the west to the Pacific, should be the forty-second parallel of latitude; the king of Spain "ceding to the United States all his rights, claims, and pretensions to any territory north of said line." It is worth observing just here that the Melish map referred to in the treaty, and accepted by both governments as correct and for their guidance, gives the Rocky Mountains as the western limits of the Louisiana Purchase, the region beyond to the Pacific being designated as the *Unexplored Region*. This is another evidence that the United States did not claim the region as a part of the Purchase. The cession made by Spain, it is obvious, completed the United States title to the Oregon region. That title, as we have now shown, rests (1) upon the discoveries and explorations made by Captain Gray; (2) the explorations conducted by Lewis and Clarke; (3) the formation of the Astor establishment; and (4) the title devised from Spain.

The mere recital of the facts in the case, as we have here fairly and faithfully presented them, we think ought to be sufficient to lead every person who takes the trouble to examine them, to the conclusion reached in this paper. But, to make certainty doubly sure, we submit the following testimony.

The controversy between the United States and Great Britain respecting the sovereignty of the Oregon region covered a period of about thirty years. The prominent negotiators on the part of the United States were (first) Richard

Rush, Envoy Extraordinary to Great Britain; (second) Albert Gallatin, also Envoy Extraordinary; and (third) James Buchanan, Secretary of State during Polk's administration. By an examination of the official correspondence of these gentlemen, and the official reports of their many conferences, we will be best able to determine on what grounds our government laid claim to the region in dispute, for it cannot be supposed that we held one view, one set of convictions, and at the same time instructed our representatives to urge another. It is safe to say that we on every occasion made the best claim possible founded on the best reasons.

On the 22d of July, 1823, John Quincy Adams, Sec. of State, wrote to Mr. Rush: "The right of the United States to the Columbia River and to the interior territory washed by its waters, rests (1) upon its discovery from the sea, and nomination by a citizen of the United States; (2) upon its exploration to the sea by Lewis and Clarke; (3) upon the settlement of Astoria, made under the protection of the United States; and (4) upon the subsequent acquisition of all the rights of Spain." In the letter to Mr. Rush, from which we take the foregoing extract, Mr. Adams makes not the slightest allusion to the Louisiana Purchase. On the 12th of August, 1824, in a long communication covering many pages, Mr. Rush replies to Mr. Adams with great clearness, giving an account of the discussions which he had carried on with the representatives of the British government, but not the first intimation, from beginning to end, is made concerning any claim by reason of the Louisiana Purchase. We next come to the correspondence between Mr. Clay, Secretary of State, and Mr. Gallatin. This commenced in the summer of 1826. Mr. Clay says not the first word of the Louisiana Purchase; and Mr. Gallatin, in his able and exhaustive discussion of the subject, as manifested in his letters, and in his celebrated pamphlet of seventy-five pages, published in 1846, and more recently republished in the third volume of his "Memoir and Writings," edited by Henry Adams, makes but the briefest allusion to the Louisiana Purchase; and even this allusion merely connects the region in dispute with the Purchase as an inference or "contiguity," not as an original and actual part of it, the exact language used by Mr. Gallatin being as follows: "This utter disregard of the rights of discovery, particularly of that of the mouth, sources, and course of a river, *of the principle of contiguity*, and of every other consideration whatever, cannot be admitted by the United States." (*Adams's Memoir, etc.*, vol. III., p. 493.) The whole bent of Mr. Gallatin's argument is to show that our title to Oregon came to us through discoveries, exploration, and occupation.

In addition to all this we have read with care Mr. Cushing's report made to Congress in January, 1839, numerous pamphlets, presidents' messages, reports of debates in Congress, an able article in the North American Review, as well as the English books by Thomas Falconer, Tavers Twiss, and John Dunn—all reviewing and discussing the Oregon Question; but nowhere have we seen any attempt whatever to prove that any part of the region west of the Rocky Mountains ever belonged to France, or that France ever made any pretense of conveying it to the United States. It was no part of the Louisiana Purchase. Our title to the Oregon region, as before stated, rests (1) upon the discoveries and explorations made by Gray, (2) the explorations conducted by Lewis and Clarke, (3) the formation of the Astor settlement, and (4) the acquisition of all the rights of Spain.

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